

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 410 of 1995

in

SPECIAL CIVIL APPLICATION No. 4706 of 1982

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN
and
MR.JUSTICE A.R.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

AMRATLAL KANJIBHAI BAROT

Versus

KD PARMAR OR HIS SUCCESSOR

Appearance:

MR SURESH M SHAH for Appellant
MR RA MISHRA for Respondent No. 1

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE A.R.DAVE

Date of decision: 27/04/98

Appellant who was serving as Talati-cum-Mantri under the District Panchayat, Sabarkantha was chargesheeted for misconduct on 22nd November, 1976. A proper Departmental Inquiry was held into the charges. On the basis of evidence adduced at the inquiry, Appellant was found guilty of the misconduct. On the basis of that finding, he was awarded penalty of compulsory retirement.

2. Aggrieved by that order, Appellant went in appeal before the Gujarat Civil Services Tribunal by preferring Appeal No. 334/81. Tribunal after appreciating the entire evidence, dismissed the appeal and confirmed the punishment imposed on the appellant. He took-up the matter before this Court in Special Civil Application No. 4706 of 1982. The learned Single Judge modified punishment, directed reinstatement with effect from 1-5-1995 without back wages. Denial of backwages is challenged in this appeal.

3. On the basis of charges levelled against the appellant, a proper departmental inquiry was conducted. That inquiry was held in conformity with the principles of natural justice. On the basis of legal evidence adduced in the inquiry, delinquent officer was found guilty of misconduct. In such a situation, punishment to be imposed is at the discretion of the disciplinary authority. The disciplinary authority imposed punishment of compulsory retirement. That punishment was confirmed by the Gujarat State Services Tribunal. In such a situation, we are clear in our mind that the learned Single Judge was not justified in varying the punishment by directing reinstatement with effect from 1-5-1995. Since the otherside has not challenged the direction, we are not in a position to interfere with the same. Learned Single Judge while ordering reinstatement had denied backwages. According to us, the same is not to be interfered with. On the facts and circumstances of this case, we are clear in our mind that the learned Single Judge had shown maximum leniency towards the Appellant. It, therefore, follows that the appeal is devoid of any substance and the same is accordingly dismissed.

[K. Sreedharan, CJ.]

[A.R Dave, J.]

Prakash*